

ORIGINAL

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS-

BEFORE THE

Illinois Commerce Commission

DOCKET NO. 00-0027

IN THE MATTER OF:

FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS

CHIEF CLERK'S OFFICE

JAN 28 2 33 PM '00

ILLINOIS
COMMERCE COMMISSION

PLACE: Springfield, Illinois

DATE: January 28, 2000

PAGES: 28 - 36

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BEFORE THE
ILLINOIS COMMERCE COMMISSION

2
3 FOCAL COMMUNICATIONS CORPORATION) DOCKET NO.
4 OF ILLINOIS) 00-0027
5)
6 Petition for arbitration pursuant to)
7 Section 252(b) of the Telecommunications)
Act of 1996 to establish an)
Interconnection Agreement with Illinois)
Bell Telephone Company d/b/a Ameritech)
Illinois.)

8 Springfield, Illinois
9 January 28, 2000

10 Met, pursuant to notice, at 11:00 A.M.

11 BEFORE:

12 MR. WILLIAM SHOWTIS, Examiner.
13 MR. DONALD WOODS, Examiner

14 APPEARANCES:

15 MS. CARRIE J. HIGHTMAN
16 Schiff, Hardin & Waite
17 6600 Sears Tower
18 Chicago, Illinois 60606

19 (Appearing on behalf of Petitioner via
20 teleconference.)

21 MS. JANE VAN DUZER
22 200 North LaSalle Street
Suite 1100
Chicago, Illinois 60601

(Appearing on behalf of Petitioner via
teleconference.)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter #084-002710

APPEARANCES:

(Cont'd)

MR. CHRISTIAN F. BINNIG
MR. DENNIS G. FRIEDMAN
Mayer, Brown & Platt
190 South LaSalle Street
Chicago, Illinois 60603

(Appearing on behalf of Ameritech
Illinois via teleconference.)

MR. MATTHEW L. HARVEY
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

(Appearing on behalf of Staff of the
Illinois Commerce Commission via
teleconference.)

I N D E XWITNESSESDIRECT CROSS REDIRECT RECROSS

NONE.

I N D E XEXHIBITSMARKEDADMITTED

NONE.

PROCEEDINGS

EXAMINER SHOWTIS: Pursuant to the authority vested in me by the Commission I now call Docket Number 00-0027 which concerns the petition of Focal Communications of Illinois for arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to establish an interconnection agreement with Illinois Bell Telephone Company d/b/a Ameritech Illinois.

Will the parties please enter their appearances for the record?

MS. HIGHTMAN: Carrie J. Hightman, Schiff, Hardin and Waite, 6600 Sears Tower, Chicago, Illinois 60606, appearing on behalf of Focal Communications Company.

MS. VAN DUZER: Jane Van Duzer, Focal Communications Corporation of Illinois, 200 North LaSalle Street, Chicago, Illinois 60601, appearing on behalf of Focal Communications Corporation of Illinois.

MR. BINNIG: Christian F. Binnig and Dennis G. Friedman of Mayer, Brown and Platt, 190 South

1 LaSalle Street, Chicago 60603, appearing on behalf of
2 Ameritech Illinois.

3 MR. HARVEY: Matthew L. Harvey, 160 North
4 LaSalle Street, Suite C-800, Chicago, Illinois 60601,
5 appearing on behalf of the Staff of the Commerce
6 Commission.

7 EXAMINER SHOWTIS: The purpose of the
8 hearing today was for the Examiners to rule, if
9 necessary, on whether Ameritech should be compelled
10 to more fully answer two data requests from Focal.
11 Those data requests have the numbers 174 and 175.
12 Would Ms. Hightman or Mr. Binnig state for the record
13 what the status is of responses to those two data
14 requests?

15 MS. HIGHTMAN: Yes, I would be happy to.

16 We received this morning a response to
17 Item 175 and the response is responsive, so we have
18 no issue, discovery issue, with respect to that item.

19 With regard to the response to 174, we
20 have been advised by Ameritech to expect a response
21 by noon today. In light of the late date which we
22 will be getting the response, however, Ameritech has

1 agreed to allow us to provide supplemental testimony,
2 if necessary, on the issue to which the request is
3 directed which is the issue -- the EEL issue.

4 MR. WOODS: Carrie, would you say what you
5 just said more clearly, the second issue?

6 MS. HIGHTMAN: In light of the late date of
7 the response, Ameritech has agreed that, if we
8 believe it's necessary, Focal should be allowed to
9 provide supplemental testimony by Wednesday of next
10 week directly on the issue of Enhanced Extended Link
11 which is also known as EEL. That's the issue that's
12 covered by Data Request 174.

13 EXAMINER SHOWTIS: Just to clarify then,
14 will you be submitting some testimony on Issue 3 on
15 Monday and supplementing it or will **all** the testimony
16 on Issue 3 possibly come in on Wednesday as opposed
17 to Monday?

18 MS. HIGHTMAN: No, we will provide as much
19 as we can on Monday.

20 MR. BINNIG: So I think what they are doing
21 is just reserving the right to file supplemental
22 testimony on the issue, if they think it's

1 appropriate after receiving the response to 174.

2 They would do that on Wednesday.

3 EXAMINER SHOWTIS: And as I understand it,
4 there may be some additional testimony on Issue 3
5 that's coming in on Wednesday, is what you are
6 saying?

7 MS. HIGHTMAN: Right.

8 EXAMINER SHOWTIS: Is that acceptable to
9 Staff counsel?

10 MR. HARVEY: That's acceptable.

11 EXAMINER SHOWTIS: Okay. That's acceptable
12 to the Hearing Examiners. During an off-the-record
13 discussion, counsel for Ameritech asked that there be
14 a status hearing set on Wednesday to deal with, if
15 necessary, any problems associated with Focal's
16 responses to data requests sent by Ameritech. I
17 believe the parties have agreed to the next hearing
18 being held on February 2 at 10 o'clock a.m. Would
19 that be the sole purpose of that hearing?

20 MR. BINNIG: I believe so. And I would be
21 happy to set up a conference bridge number for
22 everyone to call into.

MR. HARVEY: Just as an aside, the Staff has not been getting notice of these, what the bridge numbers are. So if Carrie would take care to do that, I would appreciate it.

MS. HIGHTMAN: I'm sorry. My secretary was supposed to give it to you. I will make sure that she does.

EXAMINER SHOWTIS: Let's go off the record just for one second.

(Whereupon there was then had an off-the-record discussion.)

EXAMINER SHOWTIS: Let's go back on the record. If counsel for Ameritech has some concerns with regard to certain data request responses of Focal and wants the Examiners to reach some sort of decision on those responses by February 2, they should forward to the Examiners at least by the close of business on Tuesday, February 1, the data request responses to that issue. Is that acceptable, Mr. Binnig?

MR. BINNIG: That is acceptable, Mr. Hearing

1 Examiner.

2 EXAMINER SHOWTIS: Is there anything else to
3 discuss on the record today? Okay, hearing none, no
4 other concerns, this matter is continued to February
5 2, 2000, at 10 o'clock a.m.

6 (Whereupon the hearing in this
7 matter was continued until
8 February 2, 2000, at 10:00
9 a.m. in Springfield,
10 Illinois.)
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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF SANGAMON)
CASE NO.: 00-0027
3 TITLE: FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS

4 CERTIFICATE OF REPORTER

5 I, Carla J. Boehl, do hereby certify that I
6 am a court reporter contracted by Sullivan Reporting
7 Company of Chicago, Illinois; that I reported in
8 shorthand the evidence taken and proceedings had on
9 the hearing on the above-entitled case on the 28th
10 day of January, 2000; that the foregoing 9 pages are
11 a true and correct transcript of my shorthand notes
12 so taken as aforesaid and contain all of the
13 proceedings directed by the Commission or other
14 persons authorized by it to conduct the said hearing
15 to be so stenographically reported.

16 Dated at Springfield, Illinois, on this 8th
17 day of February, A.D., 2000.

18
19  _____

20 Certified Shorthand Reporter
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22